

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3221-01
Bill No.: SB 600
Subject: Public Buildings; General Assembly
Type: Original
Date: January 26, 2010

Bill Summary: Requires the Office of Administration to provide senators and representatives with access to the dome of the state capitol.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Director's Office, Missouri House of Representatives, and Missouri Senate** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration (COA) - Commissioner's Office** state that if expanded access is granted to the State Capitol Dome, the state will be liable for any claims if an injured individual sues the state. In the past two (2) years, there have been two incidents where an individual was injured as a result of visitors being allowed access to the dome. In one instance, the injured individual was taken to the emergency room at a local hospital. In the other instance, emergency medical services (EMS) personnel refused to climb the stairway going to the dome because they could not properly transport the individual down the staircase. A Capitol Police officer was able to assist the visitor down the stairs where EMS personnel provided aid.

COA - Division of General Services, Risk Management (GS/RM) officials assume there would be an increase in the number of visitors to the Capitol Dome if the proposal is approved. Therefore, the likelihood of an accident or injury increases. While there have been no claims to date, the likelihood of a claim increases and these costs would have to be covered by the state's Legal Expense Fund. For any one person in a single accident or occurrence, the maximum waiver of sovereign immunity for a dangerous condition of property claim would be \$378,814 (for claims occurring in 2009; new figures are not out yet for 2010). For all claims arising out of a single accident or occurrence, the maximum would be \$2,525,423.

COA - Division of Facilities Management, Design and Construction (FMDC) officials state increased access to the Capitol Dome area would require the COA to make extensive modifications to the space because access to this area was not designed for heavy traffic. There are more than 300 caged steps and no ventilation system, which could cause problems for anyone with health issues. This creates serious accessibility issues in the case of a medical emergency and medical-related evacuation. In addition, there is no way to get emergency equipment to the upper dome area. The state could incur costs to fix roofs and other structures and there is insufficient protection to visitors above the existing wall surrounding the area.

During FY 08, the FMDC conducted a study to determine the feasibility of access to the Whispering Gallery. The proposal will impact the state's Capital Improvement budget as design and construction costs to the Gallery and Dome are estimated at \$2,590,000. This estimate includes the addition of appropriate heating, ventilation and air conditioning equipment for the space. Required modifications include the design of safe entrances and exists, protection of building electrical components and other safety features, but does not include asbestos abatement or wheelchair accessibility.

ASSUMPTION (continued)

The proposal will also impact FMDC's operating appropriation for the costs associated with heating, cooling, maintenance, and cleaning of the space on an on-going basis. The FMDC is unable to estimate these costs until construction is finalized.

Finally, the COA would incur additional costs to duplicate 197 keys, but these costs could be covered with existing resources.

In summary, providing expanded access to the State Capitol Dome could increase the state's liability in the event of a claim more than \$2.5 million per incidence; design and construction costs to the Whispering Gallery and Dome are estimated at \$2.59 million. There are also other unknown costs associated with the proposal, including asbestos removal, wheelchair access and annual heating, cooling, maintenance and cleaning costs.

Oversight assumes the proposal is only mandating the provision of keys to the legislators and, as a result, is not presenting the COA's Legal Expense Fund or design and construction costs.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -
 Division of General Services/Risk Management
 Division of Facilities Management, Design and Construction
Department of Public Safety -
 Director's Office
Missouri House of Representatives
Missouri Senate

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
January 26, 2010